

BEFORE THE LEWIS COUNTY
BOARD OF COUNTY COMMISSIONERS

IN RE:

APPROVAL OF INTERLOCAL AGREEMENTS BETWEEN)
LEWIS COUNTY AND GRAYS HARBOR COUNTY, AND)
LEWIS COUNTY AND PACIFIC COUNTY FOR THE)
PURPOSE OF ESTABLISHING LEAD AGENCY STATUS)
FOR THE PE ELL NORTH COYOTE CREST WIND PARK)
PROJECT BEING PROCESSED BY LEWIS COUNTY)

Resolution No. 10- 024

WHEREAS, pursuant to Chapter 39.34 RCW (Interlocal Cooperation Act), one or more public entities may contract with one another to perform government services that each is by law authorized to perform; and

WHEREAS, Pe Ell North LLC, a Washington limited liability corporation, has submitted an application for a special use permit to build and operate a wind power generation facility located north of the Town of Pe Ell in Lewis County with associated facilities located in Pacific County and Grays Harbor County (Pe Ell North Coyote Crest Wind Park, "project") and said project required environmental review under the State Environmental Policy Act (SEPA); and

WHEREAS, it is necessary for a coordinated and consistent review of the environmental impacts that political entities with shared jurisdiction and authority agree to designate one entity as the lead agency as allowed under RCW 43.21.C110 and WAC 197-11-942; and

WHEREAS, the staffs of Pacific County and Grays Harbor County have reviewed and agreed in principle to the signing of an interlocal agreement by their respective Boards for such purpose; and

WHEREAS, the Lewis County Board of County Commissioners has reviewed the interlocal agreements and has determined that said agreements are in the best interest of the public, NOW THEREFORE

BE IT RESOLVED, that Lewis County enter into interlocal agreements with Grays Harbor County and Pacific County for the purpose of establishing lead agency under SEPA for said wind power generation facility project review and authorizes the Board to sign the same.

DONE IN OPEN SESSION this 25 day of January, 2010.

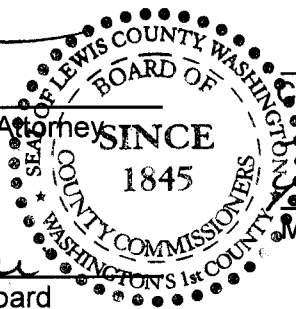
APPROVED AS TO FORM:
Michael Golden, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON

By: Deputy Prosecuting Attorney

ATTEST:

Karri Muir, Clerk of the Board



Chairman

Member

INTER-LOCAL AGREEMENT

This inter-local agreement is made between Lewis County and Grays Harbor County both political subdivisions of the State of Washington (the "Parties"). This agreement is entered into pursuant to the Inter-local Cooperation Act RCW Chapter 39.34. This agreement is intended to facilitate the coordinated environmental review of impacts caused by a major wind power generation facility extending into three different counties.

Whereas, Pe Ell North LLC, a Washington limited liability corporation, has submitted an application for a special use permit to build and operate a wind power generation facility located north of the Town of Pe Ell in Lewis County with associated facilities located in Pacific County and Grays Harbor County (the "Project");

Whereas, the Project as currently planned will involve the construction of 44 wind turbines in Lewis County, 3 wind turbines in Pacific County and improvements to existing transmission lines in existing easements and rights of way in Grays Harbor County;

Whereas, significant environmental review, including an Environmental Impact Statement (EIS), is anticipated;

Whereas, the EIS will require substantial communication between the Parties and their agents;

Whereas, it is anticipated that a Memorandum of Understanding will be signed by Pe Ell North LLC, and Lewis County designating Lewis County as the Lead Agency for the SEPA Process associated with the Project;

Whereas, WAC 197-11-932 stipulates the entity with the greatest portion of the Project within its boundaries be designated as the lead agency for SEPA;

Whereas, it is necessary for a coordinated and consistent review of the environmental impacts that political entities with shared jurisdiction and authority agree to designate one entity as the lead agency as allowed under RCW 43.21.C110 and WAC 197-11-942;

Now therefore in consideration of the terms herein set forth, Grays Harbor County and Lewis County agree as follows:

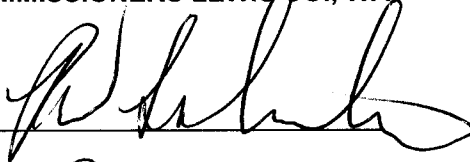
Lewis County is the agency responsible for compliance with SEPA procedural requirements for this Project.

Lewis County is the agency responsible for compiling and assessing the information on the environmental aspects of the Project.

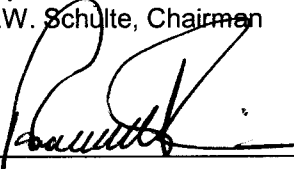
Lewis County is the agency responsible for the threshold determination under SEPA and for the preparation and content of an EIS for the Project.

BOARD OF COUNTY

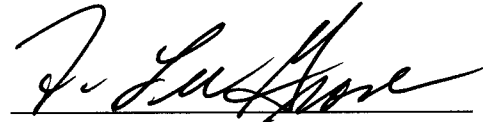
COMMISSIONERS LEWIS CO., WA



P.W. Schulte, Chairman

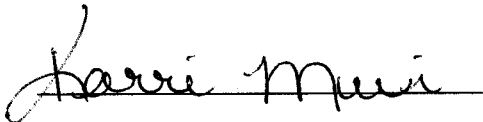


Ron Averill, Vice Chairman



F. Lee Grose, Member

ATTEST:



Karri Muir, Clerk of the Board

Grays Harbor County Commissioners:

BOARD OF COUNTY

COMMISSIONERS GRAYS HARBOR., WA

Chairman

ATTEST:

Member

Clerk of the Board

Member

INTERLOCAL AGREEMENT

This Interlocal Agreement is made between Lewis County and Pacific County both political subdivisions of the State of Washington (the "Parties"). This agreement is entered into pursuant to the Inter-local Cooperation Act RCW Chapter 39.34. This agreement is intended to facilitate the coordinated environmental review of impacts caused by a major wind power generation facility extending into three different counties.

Whereas, Pe Ell North LLC, a Washington limited liability corporation, has submitted an application for a special use permit to build and operate a wind power generation facility located north of the Town of Pe Ell in Lewis County with associated facilities located in Pacific County and Grays Harbor County (the "Project");

Whereas, the project as currently planned will involve the construction of 44 wind turbines in Lewis County, 3 wind turbines in Pacific County and improvements to existing transmission lines in existing easements and rights of way in Grays Harbor County;

Whereas, significant environmental review, including an Environmental Impact Statement (EIS), is anticipated;

Whereas, the EIS will require substantial communication between the Parties and their agents;

Whereas, it is anticipated that a Memorandum of Understanding will be signed by Pe Ell North LLC, and Lewis County designating Lewis County as the Lead Agency for the SEPA Process associated with the Project;

Whereas, WAC 197-11-932 stipulates the entity with the greatest portion of the Project within its boundaries be designated as the lead agency for SEPA;

Whereas, it is necessary for a coordinated and consistent review of the environmental impacts that political entities with shared jurisdiction and authority agree to designate one entity as the lead agency as allowed under RCW 43.21.C110 and WAC 197-11-942;

Now therefore in consideration of the terms herein set forth, Pacific County and Lewis County agree as follows:

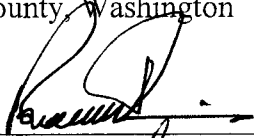
Lewis County is the political entity responsible for compliance with SEPA procedural requirements for this Project.

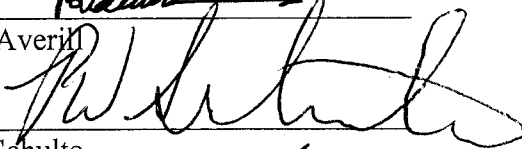
Lewis County is the political entity responsible for compiling and assessing the information on the environmental aspects of the Project.


Lewis County is the political entity responsible for the threshold determination under SEPA and for the preparation and content of an EIS for the Project.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands the day and year so noted.

Board of County Commissioners
Lewis County, Washington

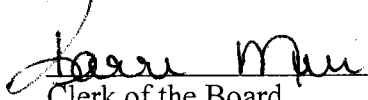


Ron Averitt


Bill Schulte


Lee Grose

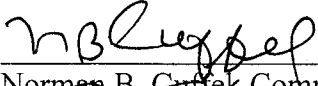
ATTEST:

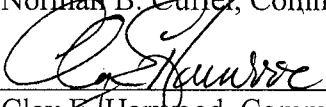


Clerk of the Board 1-25-10
Date

Board of County Commissioners
Pacific County, Washington

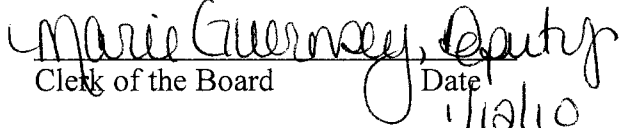
absent

Jon Kaino, Chairman


Norman B. Cuffel, Commissioner


Clay E. Harwood, Commissioner

ATTEST:



Clerk of the Board 1/10/10
Date